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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,450	07/21/2003	Chang-Ming Yang	003-03-017	5024
46103	7590	12/14/2007	EXAMINER	
HDSL			LIEU, JULIE BICHNGOC	
4331 STEVENS BATTLE LANE			ART UNIT	PAPER NUMBER
FAIRFAX, VA 22033			2612	
			MAIL DATE	DELIVERY MODE
			12/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/623,450	YANG, CHANG-MING	
Examiner	Art Unit		
Julie Lieu	2612		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 September 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 27-52 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 44-51 is/are allowed.

6)  Claim(s) 27,34,35 and 52 is/are rejected.

7)  Claim(s) 28-33 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed September 29, 2007. claims 1-26 have been canceled. New claims 27-52 have been added.

### *Claim Objections*

2. Claims 34, 35, 39, 40, and 44 are objected to because of the following informalities:  
claim 1 and 36 claims the warning device warns user with EITHER sound OR signal. Therefore, if sound is interpreted to be the only warning, then in claim 34, how can a warning device be a diode since a diode can not produce sound. It is suggested if it is meant that the warning device is capable of producing either or both types of signal, then it should be recited as "to warn the users with sound and/or signal". However, note that "signal" is broad to cover any kind of signals, e.g. sound, light, vibration etc....

Claims 39 and 40 are object for similar reason.

Claim 44, "non-mental" should be recited as "non-metal".

In claims 44 and 45, perhaps the language should be changed clarify the warning is to warn the user to place the metal or magnetic material inside the electromagnetic wave proof device.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 36-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what the "security" of detected material is and how its "security" is detected.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 27, 34, 35, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Dils et al. (US 2004/0194594).

Claim 27:

Dils et al. (Dils) discloses structural improvement for an alert system which comprises: a sensor 46 that sends out signals to a control panel 24, said control panel consisting of an electronic device (inherent), a protection device (28,30), and a warning device (32,34) that receives signals from said sensor to protect users (by stopping or reversing the machine); when a metal or magnetic material touches sensor's conductive material, the sensor's conductive material relays the signals to the control panel that starts the control panel's warning device to warn users with sounds or signals, and the control panel's protection device protects users from being hurt by the metal or magnetic material.

See fig. 1 and paras. [0036-0039].

Claim 34:

The warning device 32 in Dils is diode (since it is a LED).

Claim 35:

The warning device 34 in Dils is a beeper. Fig. 1.

Claim 52:

The sensor in Dils is a capacitive sensor whose resistance values vary with respect to the distance between the metal or magnetic material and the sensor so that location of the material or magnetic material is determined.

***Allowable Subject Matter***

7. Claims 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claim 36-43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. Claims 44-51 are allowed.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gass et al., US 2007/0240786.

Simpson, US Patent No. 6,772,939.

Grasselli, US Patent No. 5,510,685.

McCullough et al., US Patent No. 5,272,946.

DeBois, III, US Patent No. 5,201,684.

McCollough et al., US Patent No. 5,198702

Towsend, Patent No. 5,122,091.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julie Lieu  
Primary Examiner  
Art Unit 2612

Dec 07, 07